

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER PROGRAMS COORDINATION
OFFICE OF SPILL RESPONSE AND REMEDIATION

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SUBJECT: Guidance Memorandum Number 02-2018
Revision to Petroleum Clean-up AAF Verification Procedures

TO: Regional Directors

FROM: Larry Lawson, P.E., Director



DATE: October 24, 2002

COPIES: Regional Ground Water Managers, J. Andrew Hagelin, Betty Lamp,
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Summary

In September, the Storage Tank Reimbursement module (claim processing database) was integrated into CEDS. As part of this integration, the tank type and occurrence fields in the Remediation module were directly linked to the Reimbursement module. The Reimbursement module now uses these fields (entered by the Regional Offices) to calculate the financial responsibility requirement (fund deductible) for processing claims.

Effective the date of this guidance memorandum, Regional Offices will use a revised Petroleum Clean-up AAF Verification and Instructions when verifying "Work Performed" Activity Authorization Forms (AAFs). During verification Regional Offices will also review the Storage Tank Remediation Module of CEDS to determine if the tank type and occurrence information is correct and update this information if necessary.

Regional staff should now use the Report Section of CEDS to generate the Petroleum Clean-up AAF Verification. CEDS will automatically fill in the tank type, occurrence, and other key information used in processing a claim.

This guidance will be incorporated into the next edition of the Storage Tank Technical Manual.

Contact Information

Should you have any questions or need further assistance on this guidance, please Fred Cunningham (telephone 804.698.4285; e-mail fkcunningh@deq.state.va.us).

Disclaimer:

This document provides procedural guidance to the DEQ Storage Tank Program staff. This document is guidance only. It does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decisions in any particular case will be made by applying the State Water Control Law and the implementation regulations on the basis of site-specific facts.

Revision of the Regional Petroleum Clean-up AAF Verification

In September, the Storage Tank Reimbursement module (claim processing database) was integrated into CEDS. As part of this integration, the tank type and occurrence fields in the Remediation module were directly linked to the Reimbursement module. The Reimbursement module now uses these fields (entered by the Regional Offices) to calculate the financial responsibility requirement (fund deductible) for processing claims.

Effective the date of this guidance memorandum Regional Offices will use the attached Petroleum Clean-up AAF Verification and Instructions when verifying “Work Performed” Activity Authorization Forms (AAFs). For each “Work Performed” AAF verified, the Regional Office will also review the Storage Tank Remediation Module of CEDS to determine if the tank type, heating oil category (if applicable), and occurrence information is correct for the case. If incorrect, these fields will be updated in the database prior to completion of the AAF(s) verification.

The Report Section of CEDS should be used to generate the Petroleum Clean-up AAF Verification. This Report uses the database to generate the following information on the form:

- Site Name,
- PC#,
- Date Release Reported,
- Date Regional Office determined tank type and occurrence information is correct,
- Tank Type,
- # of Occurrences,
- Heating Oil Category (if applicable), and
- Printed Name (of caseworker).

When the Regional Office encounters problems with the generation of the report from the CEDS, the MS Word format of the document may be used for verification.

PETROLEUM CLEAN-UP AAF VERIFICATION

Attached is the Activity Authorization for:

Site Name: _____

PC#: _____ Date Release Reported: _____

Phase: _____

Date Range: _____

of AAFs attached: _____

Verification: I have reviewed the report for this Phase or Reimbursement Period and the attached AAF. All "Work Performed" units with a check (✓) in the corresponding "DEQ Verified Units" box are verified, eligible, and necessary. Tasks and Materials where the "Work Performed" units could not be verified or are ineligible or were unnecessary are qualified in the corresponding "DEQ Verified Units" box with the correct units and Verification Code.

Verification Codes:

A = ONLY DEQ VERIFIED UNITS WERE NECESSARY

B = ONLY DEQ VERIFIED UNITS WERE ABLE TO BE DOCUMENTED

C = ONLY DEQ VERIFIED UNITS ARE ELIGIBLE FOR REIMBURSEMENT

ADDITIONAL COMMENTS:

1. The following tank type and occurrence information is correct as of _____

GROUP	Tank Types Associated with this Occurrence	# of Occurrence(s) at this site	Heating Oil Category
1	<input type="checkbox"/> Regulated Petroleum USTs <input type="checkbox"/> Excluded USTs <input type="checkbox"/> Deferred USTs <input type="checkbox"/> Partially Deferred USTs		
2	<input type="checkbox"/> Exempt UST 1 <input type="checkbox"/> Exempt UST 2 <input type="checkbox"/> Small Heating Oil AST		
3	<input type="checkbox"/> Regulated AST Facility <input type="checkbox"/> Unregulated AST Facility		

2. Are there "Work Performed" activities on this AAF, which are the result of an UST which contained a non-petroleum substance or an AST which contained a Non-fee product?

☐ YES☐ NO

3. Did the release result from a potentially negligent action?

☐ YES☐ NO**DEQ Verification**

Printed Name: _____ Signature: _____ Date: _____

Instructions for Completing the “Petroleum Clean-up AAF Verification”

Fill in the Site Name, Phase, PC #, and Date the Release was Reported.

For Phase - use only established Phases. Use separate **Petroleum Clean-up AAF Verifications** for each different Phase or Reimbursement Period (CAP Implementation and Post SCR Monitoring).

Date Range – for CAP Implementation and Post SCR Monitoring list the date range during which the work was completed (this field is not required).

of AAF Attached – list the number of separate “Work Performed” AAFs being verified under this **Petroleum Clean-up AAF Verification** (this field is not required).

AAF Review

Evaluate the “Work Performed” units submitted by the Responsible Person/Consultant on the AAF(s) to determine if the “Work Performed” units are eligible for reimbursement (see INELIGIBLE REIMBURSEMENT ACTIVITIES FOR REGIONAL AAF REVIEW Page 5), were necessary, and can be verified.

For each Task or Material where you identify “Work Performed” units which are ineligible for reimbursement (see list on Page 5), reduce the number of units you verify to exclude the ineligible units. Enter only the number of verifiable units that are eligible and necessary and enter Code C (ONLY DEQ VERIFIED UNITS ARE ELIGIBLE) in the corresponding “DEQ Verification” box. PLEASE NOTE: If ineligible “Work Performed” units are also unnecessary and/or not verifiable disapprove the units because the activity is ineligible and use only Code C.

For each Task or Material where you are unable to verify that the “Work Performed” units were performed, reduce the number of units you verify to exclude these units. Enter only the number of verifiable units that are eligible and necessary and enter Code B (ONLY DEQ VERIFIED UNITS WERE ABLE TO BE DOCUMENTED) in the corresponding “DEQ Verification” box.

For each Task or Material where you identified “Work Performed” units which are unnecessary, reduce the number of units you verify to exclude these units. Enter only the number of verifiable units that are eligible and necessary and enter Code A (ONLY DEQ VERIFIED UNITS WERE NECESSARY) in the corresponding “DEQ Verification” box. PLEASE NOTE: If you are disapproving “Work Performed” units for a Task or Material which exceed the authorized amount (“Proposed” plus “Contingent”), the Reimbursement Decision Summary will deny these units because the work was not pre-approved.

For each Task or Material where you agree that all the “Work Performed” units listed are verifiable, eligible and necessary, put a check (✓) in the corresponding “DEQ Verification” box. Placing a check in the DEQ Verification box indicates you are verifying that all the work was performed, eligible, and necessary for that Task or Material.

Item 1 – Complete the table as follows: (1) under the “Tank Type with this Occurrence” heading, check the type of tank(s) which have had releases for this PC #; (2) under “# of Occurrences at this site” heading, list the number of occurrences in each group from the time of the first release to the present. PLEASE NOTE: releases from different tank types in the same group are only 1 occurrence if they are discovered prior to the completion of the SCR and have the same owner.) For complex occurrence determinations, please refer to the Storage Tank Program Technical Manual - Section 3.3 and Appendix H – Worksheet for Occurrence Determination.

Provide the date the CEDS Remediation module was reviewed to determine if the tank type and occurrence

information is correct for the case. If incorrect, the tank type and occurrence information must be updated in the database prior to completion of the **Petroleum Clean-up AAF Verification**.

Item 2 - Answer this question by checking either “YES” or “NO”. If you answered “YES”, do not verify the ineligible units on the AAF.

Item 3 - Answer this question by checking either “YES” or “NO”. If you answered “YES”, do not verify the negligent units on the AAF.

Signature

When you have completed your review, print your name, sign, and date the form on the bottom of the Page.

INELIGIBLE REIMBURSEMENT ACTIVITIES FOR REGIONAL AAF REVIEW

1. AST Facility Ground Water Characterization Studies required by 9 VAC 25-90-10, et seq.;
2. Installation of an AST leak detection method required by 9 VAC 25-90-10, et seq.;
3. Testing AST and lines to confirm a leak;
4. AST closure (dismantling or demolition);
5. UST closure (removal or filling in place) unless part of Interim Authorization or approved Corrective Action Plan;
6. Any corrective action performed more than 24 hours prior to reporting a release to the Regional Office of DEQ;
7. The cost of environmental audits arising from purchase agreements (i.e., Phase I and Phase II assessments for property transfers);
8. Any corrective action costs if the owner/operator is a federal government entity;
9. Attorney's Fees
10. The cost of upgrading, retro-fitting, repairing or replacing a petroleum UST system or AST;
11. The cost for loss or replacement of product;
12. The cost to reinstall electrical wiring, dispensers, pumps, canopies or other items;
13. The cost to replace/repair damage to structures or appliances caused by the release which do not directly represent a risk to human health or the environment. This exclusion does not apply to repairs necessitated by the installation of remediation equipment or repairs to the remediation equipment;
14. The cost for demolition, removal, or relocation of structures or appliances;
15. The cost of concrete and blacktop patching or other improvements beyond that which was removed to remediate the site;
16. The cost of landscaping, replacing trees, shrubs, and sod due to excavation activities or to stress caused by contamination;
17. Costs associated with, but not necessary for, the cleanup of a release from a petroleum storage tank;
18. Extra costs which arise out of restrictions the owner/operator places on how site activities are performed;
19. The cost for calibration of field/testing equipment;
20. Duplicate site management costs and supervisory costs;
21. The cost of air fare, train fare, bus fare, cab fare, or other means of public transportation; or mileage more than 200 miles each way;
22. The cost of express mail or courier services for correspondence, reports or other documents;
23. The cost of ancillary charges, (refer to Volume 1, Section 2.4.2 of the Reimbursement manual for additional information on ancillary costs);
24. Costs incurred solely for business purposes and which are not necessary for corrective action;
25. The cost of overtime for professional staff.
26. Costs to repair or replace structures or landscape elements that were moved, damaged, or destroyed as a result of conducting release response and corrective action at the site.